

CASE NO: 6:10cr46(07)

DATE: 3/1/2011
 LOCATION: TYLER
 JUDGE: MICHAEL H. SCHNEIDER
 DEP. CLERK: Linda Pritchard
 RPTR/ECRO: Jan Mason
 USPO: Keith Wallace
 INTERPRETER:

USA VS. KYLE LYNN HAYES

JIM MIDDLETON
 Attorney for Government

DALE LONG
 Attorney for Defendant

BEGIN: 2:20 P.M.

ADJOURN: 2:40 P.M.

SENTENCING

- ☒ Sentencing called ☒ Sentencing held ☐ Objections(PSR) by Govt ☐ Overruled ☐ Sustained; by Dft ☐ Overruled ☐ Sustained
☒ Court adopts PSR in its entirety ☐ Court adopts PSR w/exception of: _____
☐ Court departs from guidelines ☐ On Motion of Govt. ☐ Other: ☐ Dft's Mot/Downward Overruled / Sustained

CT.	CUSTODY	Consec/ Concurr	W/ CT	FINE	REST	PROB	SUP / REL	Consec/ Concurr	W/ CT	SP/ASS	INELIG FED BEN.
534	51 months			waived			2 yrs.			\$100	

WHILE INCARCERATED: IT IS RECOMMENDED THAT:

- ☐ Dft participate in the **Inmate Financial Responsibility Program**.
☒ Dft participate in **Drug Treatment Program**.

RECOMMENDATION TO BOP:

Dft be designated to FCI: SEAGOVILLE

SPECIAL CONDITIONS of RELEASE

- ☒ Dft shall abide by **standard conditions** of release, including committing no offenses, federal, state or local; and shall not illegally possess a controlled substance.
- ☒ Dft shall **report** in person to the probation office in the district to which the dft is released within **72 hours** of release from BOP.
- ☒ Dft shall not possess a **firearm** or other destructive device. ☐ Dft shall be **surrendered to INS official** for deportation proceeding.
- ☒ Court orders **mandatory drug test** ☐ Court finds drug test w/in 15 days of release unnecessary.
- ☒ Dft shall provide the probation officer with access to any requested **financial information**.
- ☐ Dft shall pay any **financial penalty** that is imposed by this judgment and that remains unpaid at the commencement of SUP/REL.
- ☐ Dft shall **not incur new credit charges** or open additional lines of credit without the approval of Probation Officer.
- ☒ Dft shall participate in an ☐ **Assessment** / ☒ **Program** of testing and treatment for ☒ **drug abuse** ☐ **mental health treatment**.
- ☐ Dft shall perform _____ hours of **community service** as directed by probation officer. ☐ Dft to **pay delinquent Child Support**.
- ☐ Dft shall be placed on **home detention** for a period of _____ months, to commence (immediately/immediately following release from imprisonment/on _____). Dft to remain at this residence except for employment & other activities approved by probation officer. Dft shall maintain a telephone at residence without any special services, modems, answering machines, or cordless telephones.
- ☐ Dft shall be prohibited from having any type of contact with the other listed co-defendants in this case.

<input checked="" type="checkbox"/>	Dft REMANDED to the USM.		
	Dft ordered to surrender on :		USM
			Designated FCI
	Dft's bond <input type="checkbox"/> set <input type="checkbox"/> reduced to \$ _____ <input type="checkbox"/> cash <input type="checkbox"/> surety <input type="checkbox"/> 10% <input type="checkbox"/> PR <input type="checkbox"/> unsecured		
	Bond continued	in this case	other case # _____
	Dft failed to appear	Ord/Arrest Warrant	BND forfeited.
	REMAINING Counts dismissed on Govt's Motion		
<input checked="" type="checkbox"/>	Dft advised of right to appeal & court appointed counsel		

<input checked="" type="checkbox"/>	Presentence Report Sealed.	
<input checked="" type="checkbox"/>	Minutes filed	FILED: U.S. DISTRICT COURT EASTERN DISTRICT OF TEXAS DAVID J. MALAND, CLERK
	Exhibit list filed	
	Witness list filed.	
	See reverse/attached for additional proceedings	

FORM TXED-118

ADDITIONAL PROCEEDINGS - PAGE 2

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2:20 pm	Case called. Mr. Middleton announced ready for the Government. Mr. Long announced ready for the Defendant. Defendant sworn. Keith Wallace appeared on behalf of the probation department.
2:23 pm	Court inquired if Mr. Long and dft received a copy of PSR, have reviewed it, and have any objections. No objections.
2:25 pm	Court adopted PSR in its entirety.
2:26 pm	Mr. Long spoke on behalf of the Defendant. Defendant allocuted to the Court. Mr. Middleton responded.
2:32 pm	Court imposed sentence. Defendant shall cooperate in the collection of DNA.
2:35 pm	Deft advised of right to appeal & court appointed counsel.
2:36 pm	Remaining counts of the indictment dismissed on motion of the Government.
2:37 pm	Dft REMANDED to USM.
2:40 pm	There being nothing further in this case, Court adjourned.

DAVID J. MALAND, CLERK

BY: Linda Pritchard
Courtroom Deputy Clerk